

REMARKS

Page 10, the last paragraph have been amended by deleting the words "copolymers can also be made having a Dp" since the same was out of context.

Claims 15 through 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Malik U.S. Patent 6,448,368. Claims 1 through 14 and 20 through 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the same Malik '368 reference. Malik has been utilized as supposedly teaching that the formulas as set forth in Columns 18 and 22 disclose terminal R¹ groups which need not be a hydroxyl group. Applicants respectfully disagree. The R¹ end group is described as an "alkyl alcohol residue having from about 2 to 5 carbon atoms" and thus has a terminal alcohol group. For example, see Column 19, lines 39-52 wherein all the alcohols listed are glycols or diols. This conclusion is further borne out by Column 20, lines 41 through Column 21, line 7, wherein the butane diol initiator is stated as being located on the end of the prepolymer, see especially Column 20, lines 53-56.

Additionally, as basis of support for a monoalcohol, the Examiner cites claims 21 and 22 of the '368 patent. Support for this aspect is found in Column 21, line 54 through Column 25, line 64 which relate to copolymers with tetrahydrofuran. The Examiner's attention is hereby directed to Column 24, lines 21-24 which reads: "Suitable initiators are water and aliphatic alcohols containing 2 to 5 carbons and 1 to 4 hydroxy groups, e.g., trifluoroethanol, methanol, 1,4-butanediol, trimethylolpropane, pentaerythritol, etc.". Thus, two

monoalcohols, trifluoroethanol and methanol are noted. In Column 23, lines 35 through 47 it is noted that an organic solvent is utilized and the top of Column 24 states that the solids concentration is from 5% to 85% by weight thus meaning that at least 15% solvent is utilized and preferably from 40% to about 50% solvent by weight.

Independent claims 1, 15, and 75 are readily distinguished from the Malik '368 reference inasmuch as they claim a co-initiator solvent monoalcohol and that the amount of any non-initiator solvent is less than 10% by weight based upon the total weight of the non-initiator solvent and the monoalcohol. As noted throughout the present patent application such as in the Summary of the Invention; and in the Detailed Description on page 4, lines 16-29, it was unexpectedly found that a non-initiator solvent need not be utilized if the monoalcohol initiator also functioned as a solvent and that low amounts of cyclic ether were also produced. This the Malik '368 reference does not teach. Rather, as noted, Malik teaches at column 24, lines 1-15, that high amounts of a solvent, greater than 15% by weight, are required with initiators including trifluoroethanol and methanol.

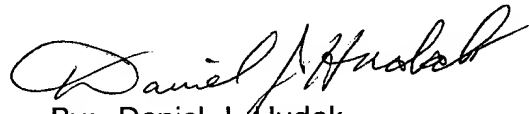
Malik in column 23, lines 47 through 61, does state that no organic solvent is utilized only when the amount of THF is very high, that is at least 40% to 65% by weight based upon the total weight of the THF and the FOX monomer.

In contrast, Claims 1, 15, and 75 recite that when a comonomer is utilized such as THF, the amount thereof is low, i.e. from about 0.1% to about 10% by weight based upon the total weight of the comonomer and the fluorooxetane monomer. This amount is at least four times less than that taught by Malik! Upon this further basis, independent claims 1, 15, and 75 are distinguished from Malik.

Accordingly, a Notice of Allowance of claims 1 through 22 and 75 through 78 is earnestly solicited.

Respectfully submitted,

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